IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2287 of 2005

Between:

P. Syam Sunder, s/o P.Hanumantha Rao,
O/o Executive Engineer, R&B Department, Anantapur,
Aantapur District.

..... PETITIONER

AND

1. The Executive Engineer, R& B Division, Anantapur, Anantapur District.
2. The Superintendent Engineer, R&B Division, Kurnool Circle,
   B.Camp, Kurnool Town and District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of *Writ of Mandamus* declaring the order in OA No.3705/2004 dated 7-7-2004 of the A.P. Administrative Tribunal and the action of the respondents in not considering the claims of the petitioner for promotion to the post of technical officer having promote his Junior to the said post as illegal, irregular, arbitrary, unjustified, unconstitutional and unsustainable and set aside the order of the A.P. Administrative Tribunal direct the respondents to promote the petitioner to the post of Technical Officer forthwith holding that he is the senior to Mr. P. Aktar Hussain.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following:

ORDER: (Per Hon'ble Sri Justice G. Bikshapahty)

The writ petition is filed, assailing the order passed by the A.P. Administrative Tribunal in O.A.No.3705 of 2004, dated 07.07.2004.

2. The petitioner, who is the applicant before the Tribunal filed O.A. seeking direction to the respondents to promote him to the post of Technical Officer in Roads & Buildings Division, Ananthapur. However, the Tribunal dismissed the O.A. at the stage of admission directing the authorities to release the increments to the applicant if due from June, 2003. Against the said order, the writ petition has been filed.

3. The learned counsel for the petitioner submits that the Tribunal has not referred the grievance of the petitioner at all and the learned Tribunal considered the matter with regard to the punishment of deferment of increment, which is not the subject matter in the said O.A. It is contended before the Tribunal was even though the petitioner was inflicted the punishment of stoppage of one increment without cumulative effect by the G.O.Ms.No.231, Dated 8.12.2003, the period of operation of the punishment was completed, and therefore, the petitioner is entitled for promotion to the higher post. The Tribunal has given a go by to this aspect and erroneously dismissed the O.A.

4. We have heard the learned counsel for the petitioner on this aspect.

5. It is not in dispute that the applicant was imposed with the punishment of stoppage of one increment without cumulative effect under G.O.Ms.No.231, dated 08.12.2003. It is also not in dispute that during period of operation of the punishment, the petitioner would not be eligible for promotion to the higher post. But it is now stated that the period of punishment was already completed and he became eligible for promotion to the higher post.

6. Under those circumstances, we dispose of the writ petition directing the respondents to consider the case of the petitioner for promotion, if he fulfills the requirement as laid down in the relevant rules. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

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(G. BIKSHAPATHY, J)

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(P.S. NARAYANA, J)

Date: 01.03.2005

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Executive Engineer, R& B Division, Anantapur, Anantapur District.
2. The Superintendent Engineer, R&B Division, Kurnool Circle, B.Camp, Kurnool Town and District.

3. 2 CCs to G.P. for Roads & Buildings, High Court of A.P., Hyderabad (OUT).

4. 2 CD copies

5. 1 CC to MR.VEERA REDDY